

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3708 OF 2007

Nikalje Abdul Bhosale .. Applicant
V/s
State of Maharashtra .. Respondent

Mr.Vivek salunke for the applicant.

Mrs.M.M. Deshmukh, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 13TH DECEMBER 2007

P.C. :

1. Heard learned counsel for the parties.
2. The applicant has been arrested on 18th January 2007 in connection with the crime under C.R. No.10/2007 registered with Shirur Police Station for the alleged offences punishable under sections 457, 380 and 396 of the I.P.C.
3. Learned counsel for the applicant submitted that there is no eye witness to the crime and there is no direct evidence regarding involvement of the applicant

in the crime. He, therefore, submitted that the bail should be granted to the applicant.

4. Learned A.P.P., however, pointed out that the stolen mobile phone was recovered from the custody of the applicant. Similarly, the applicant has also made a discovery under section 27 of the Evidence Act of the weapons used for the offence. In the circumstances, according to the learned A.P.P., there is sufficient evidence to connect the applicant to the crime. Learned A.P.P. further submitted that taking into consideration the seriousness of the offence which is punishable with death or imprisonment for life and also the prima facie material available against him, the applicant should not be granted bail. Learned A.P.P. also submitted that the applicant has no permanent place of residence in the local limits of the police station and the whereabouts of the permanent residence of the applicant are not known. In the circumstances, the applicant should not be granted bail.

5. Taking into consideration the seriousness of the offence and the fact that the offence is punishable with death or imprisonment for life and also taking into consideration the fact of recovery of the goods stolen at the time of the robbery and the weapon used for the purpose of the offence from or at the instance of the

applicant and also the fact that the applicant has no permanent place of residence, I am not inclined to grant bail to the applicant at this stage. In the circumstances, the application for bail is rejected.

(D.G. KARNIK, J.)